

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Patricia A. Torrens-Burton	:	Date: December 19, 2008
Group Art Unit:	3689	:	IBM Corporation
Examiner:	M. Fisher	:	Intellectual Property Law
Serial No.:	10/045,134	:	Dept. 917, Bldg. 006-1
Filed:	November 7, 2001	:	3605 Highway 52 North
Title:	METHOD AND APPARATUS FOR PROVIDING CUSTOMIZED SOUVENIR IMAGES	:	Rochester, MN 55901

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 2313-1450

Sir:

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated September 19, 2008, finally rejecting claims 1, 3-6, 9, 10 and 13-29.

The appeal fee pursuant to 37 C.F.R. §41.20(b) for other than a small entity is \$540.00.

However, an appeal fee of \$500.00 was previously paid herein according to a Notice of Appeal

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filed September 26, 2007, the Examiner having subsequently re-opened prosecution of this application before a decision on the merits by the Board of Patent Appeals and Interferences. Accordingly, the previously paid appeal fee of \$500.00 is applied to the current appeal fee of \$540.00, and a fee of \$40.00, constituting the difference between the current fee and the fee previously paid, is required for this Notice of Appeal (See MPEP 1207.04). Please charge Deposit Account No. 09-0465 in the amount of \$40.00.

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 09-0465:

- (a) Any additional filing fees under 37 C.F.R. §1.16; and
- (b) Any patent application processing fees under 37 C.F.R. §1.17.

Respectfully submitted,

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